

***NORTHWESTERN AREA SCHOOL DISTRICT  
PO BOX 45  
MELLETTTE, SD 57461  
605-887-3467, FAX 605-887-3101***

MEMORANDUM

TO: Federal Communications Commission

FROM: Diana Larson, Business Manager

SUBJECT: Appeal of USAC denial on e-rate

I have attached a letter I sent to USAC appealing their decision to not accept our Form 471 #538861, because it was filed outside the window and not appealed.

As the letter explains we did not fully understand that an appeal was required, and we would have had no way of knowing that the appeal was a pre-requisite for consideration of the FCC's new ruling regarding reconsideration of denials of E-rate applications due to clerical or ministerial errors.

We believe that our situation fully fits with the spirit of the FCC's decision to consider cases which did not intend to defraud or abuse the program. It is a hardship to our small school district if we cannot receive E-rate reimbursement for telecommunications costs.

Please reconsider this denial based on the attached information.

Thank you,

Diana Larson, Business Manager

July 24, 2006  
Universal Service Administration Company  
Schools and Libraries Division  
Box 125-Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

Dear USAC: **CASE #21-449690**

We were indeed encouraged when we learned that the FCC had granted a waiver of the rules to allow for reconsideration of denials of E-rate reimbursement due to clerical or ministerial errors in certain 470 and 471 application; but sadly disappointed to learn that our application would not be considered for this waiver because we had not filed an appeal.

On April 8, 2005, we received a letter from USAC explaining that our Form 471 Application Number 538861 for Funding Year 2006 was received outside the filing window. The letter stating that "program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD section of the USAC web site ...once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year." We did not conclude by that statement that an appeal was necessary or warranted because it was clear that we would still be given consideration if funds were available. Now we are well beyond the 60 day appeal period, not realizing that it was necessary to be included in the FCC's waiver. The instructions to appeal seem to conflict with the "required holding of our application". The letter is still unclear to me.

Can you help? We are a very small school district in rural South Dakota, with a one-person business office -- me. And for the last two years I have worked only intermittently due to a severe health problem. Our situation certainly fits with the spirit of the FCC's decision to consider cases which did not intend to defraud or abuse this program .

We hope that you will reconsider our application and/or allow us to file an appeal if that is necessary. It would be appreciated if someone could call and discuss this with me.

Sincerely,

Diana Larson, Business Manager

RE: Northwestern School District #56-3

Phone: 605-887-3467, Ext 14. e-mail [Diana.Larson@k12.sd.us](mailto:Diana.Larson@k12.sd.us)

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Form 471 #538861

Funding Year 2006 Form 471 Postmarked Outside of Window